CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

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ORDER NO. R6V-2015-0034-A01
NPDES NO. CA0102806
WDID NO. 6B140800002

AMENDMENT TO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AND PRIORITY POLLUTANT MONITORING REQUIREMENTS FOR THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FISH SPRINGS FISH HATCHERY INYO COUNTY

The California Regional Water Quality Control Board, Lahontan Regions (Water Board) finds that:

1. Discharger

The following Discharger is authorized to discharge in accordance with the conditions set forth in Order R6V-2015-0034 and as revised in this Order:

Table 1. Discharger Information

Discharger	State of California, Department of Fish and Wildlife (Primary), and City of Los Angeles Department of Water and Power
Name of Facility	Fish Springs Fish Hatchery
Land Owner	City of Los Angeles Department of Water and Power
Facility Address	215 Fish Springs Road
	Big Pine, California 93513
	Inyo County

2. Basis to Reopen Permit

The Discharger has requested to change the existing permit's criterion concentrations and reporting limits required in Attachment J dealing with the monitoring of Priority Pollutant Metals (PPM). The Discharger sited difficulty in locating a laboratory able to meet the stringent reporting limits required in Attachment J PPM and the neighboring hatchery, which discharges to the Los Angeles Aqueduct, contains different reporting limits for PPM monitoring requirements. The differences between the permits is the reasoning to amend the PPM requirements to make the requirement similar and to minimize the burden on the discharger. This request requires amending the current National Pollutant Discharge Elimination System (NPDES) permit, which requires a public notice and Water Board approval. Reopening the Permit is authorized in the Permit's Standard Provisions §A.3.b.

The permit is being opened only to amend the PPM monitoring requirements and no other part of the Order will be considered with this Amendment.

3. Facility Background

The Los Angeles Department of Water and Power provides pumps groundwater to maintain daily operations for the Facility, approximately 18.5 million-gallons-per-day, and discharges the wastewater to Fish Springs Creek, a tributary of the Owens River. The majority of the water in Owens River is diverted back into the Los Angeles Aqueduct.

In the past, copper sulfate and chelated copper compounds were used to control the growth of external parasites and bacteria on fish. Copper is identified as a priority pollutant in the CTR. In January of 2011, the Director of Fish and Wildlife certified "the use of copper

sulfate products has been discontinued at all DFW hatcheries." Additionally, the copper plates on the dam boards were removed in August 2011 and effluent limits and monitoring requirements for copper sulfate were removed from the previous Order. Copper is still included in the PPM requirements.

Potassium permanganate is still being applied on an as needed basis to control gill bacteria on fish. Manganese testing is required in the Monitoring and Reporting Program (Attachment E of the Order) once per quarter and is included in the PPM requirements. Manganese PPM requirements are not amended in this Amendment. During the previous permit cycle, the Facility primarily incurred effluent limitation violations of potassium permanganate.

4. PPM Background and Permit Modification Basis

The Water Board has determined that Concentrated Aquatic Animal Production (CAAP) facilities are unlikely to discharge most of the priority pollutants other than metals. CAAP facilities, like Fish Springs Fish Hatchery, are required to sample for priority pollutant metals in both their influent and effluent utilizing methods outlined in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP). The SIP utilizes the Reasonable Potential Analysis (RPA) with applicable Water Quality Objectives (WQO) to assist in establishing effluent limitations. Additionally, the SIP provides a variety of laboratory reporting minimum concentrations and appropriate laboratory testing methods for priority pollutants.

PPM sampling and reporting is required once per permit cycle, within a six-month period prior to submitting a permit renewal application. The intent of the PPM monitoring is for the Discharger to screen for any PPM and to determine if the Discharger has the reasonable potential to exceed a WQO and/or impact a Beneficial Uses (BU). If there were previous detection on PPM and the detection indicated a reasonable potential to exceed a WQO or an objective associated with a BU, there would have been an effluent limitation established with ongoing monitoring requirements. In this instance, the Facility did not previously have effluent limits on most PPM and Attachment J is the required screening for the next permit cycle.

The Water Board staff has analyzed the previously required PPM bases, criterion concentration, and criterion quantitation limits (reporting limits) outlined in Attachment J. During this analysis, Water Board staff determined that amending the basis, criterion concentrations, and criterion quantitation limits would not change the intent of the PPM monitoring and would still indicate whether the Facility is discharging priority pollutant metal concentrations that exceed applicable WQOs or could affect a BUs. The new criterion concentrations for PPM are established based on the following criteria: Primary Maximum Contaminant Levels (MCL), California Toxics Rule (CTR), and Human Health Protection. Toxicity for specific metals in this Order (cadmium, copper, lead, nickel, silver, and zinc) are based on CTR concentration curves utilizing a receiving water hardness of 110 mg/L (unchanged from previous priority pollutant metals monitoring requirements). Bases for barium and manganese were previously listed incorrectly as Basin Plan Objective. Basin Plan Objectives for barium and manganese do not exist, and basis for these constituents were updated via the above criteria. Amended criterion quantitation limits (reporting limits) were determined utilizing Appendix 4 of the SIP. The PPM *Suggested Testing Methods* column provided in the previous version has been removed, as approved Environmental Protection Agency (EPA) testing methods have changed since the production of the SIP. The most current approved methods are in 40 Code of Federal Regulation part 136. A footnote indicating the proper approved testing methods has been added. The new criterion concentrations and reporting limits coincide similarly to recently updated Orders

for a similar hatchery that discharge to the Los Angeles Aqueduct. Specific metal constituents were not added or removed from the existing list.

It should be noted that this Amendment does not change effluent limitations or receiving water limitations. This Amendment alters the concentrations at which laboratory reporting occurs. This Amendment does not change the due date of required PPM sampling or reporting, nor does it extend the NPDES permit. Additionally, this Amendment does not alter any other portions of the Monitoring and Reporting Program.

Upon sampling and reporting this amended PPM, renewal of the NPDES Order will require analysis of reported PPMs and formulation of new PPM requirements may be necessary. If no exceedances are observed, the new Order should reflect similar PPM requirements as outlined in this Amendment.

5. Basin Plan

The Facility is subject to the Lahontan Regional Water Quality Control Board's Basin Plan (effective March 31, 1995) and amendments (effective August 1995 through January 14, 2016). General WQOs and prohibitions are set for all surface waters and individual WQOs and prohibitions are set for specific hydrologic units. Additionally, the Basin Plan sets BU for each hydrologic unit. The Facility discharges wastewater to Fish Springs Creek, a water of the United States, a tributary of the Owens River within the Upper Owens Hydrologic Area of the Owens Hydrologic Unit. For the Owens River, specific WQOs include total dissolved solids (TDS), chloride, boron, sulfate, fluoride, nitrate, total nitrogen, and phosphate objectives. Moreover, BUs for the Owens River include municipal and domestic supply, agricultural supply, ground water recharge, freshwater replenishment, navigation, water contact recreation, noncontact recreation, commercial and sportfishing, cold freshwater habitat, wildlife habitat, rare, threatened, or endangered species, and spawning, reproduction and development.

This Amendment does not alter or change any effluent limitations, receiving water limitations, WQO, or BU for the Facility or receiving waters. The changes in this Amendment only affect the laboratory reporting limits for PPM sampling.

6. Resolution No. 68-16

The California State Water Resource Control Boards adopted Resolution No. 68-16, which declares that granting of discharge permits and licenses is done so in a manner to *achieve the highest water quality consistent with maximum benefit to the people of the State and shall be controlled so as to promote the peace, health, safety and welfare of the people of the State.*

This Amendment does not change any effluent limitations and thus will not adversely affect the water quality of the receiving water. The peace, health, safety and welfare of the people of the State will not be adversely affected by this Amendment.

7. California Water Code §106.3

California Water Code §106.3 states that all State agencies, including the State Board, must consider the policy that *every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes*.

This Amendment does not alter or change any effluent limitations, receiving water limitations, WQO, or BU for the Facility or receiving waters. The changes in this Amendment only affect the laboratory reporting limits for PPM sampling.

8. California Environmental Quality Act

This action to amend an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with California Water Code §13389.

9. Notice to Interested Parties and Public Notice

Pursuant to CCR 27 §10206, The Water Board has notified the Discharger and all known interested parties and persons of its intent to amend the Order. A public notice was placed in the Bishop XX on October XX, 2018.

10. Consideration of Interested Parties

The Water Board notified the Discharger, interested agencies and persons of its intent to amend the existing NPDES permit the and have provided them with an opportunity to submit their written comments.

11. Board as a Public Hearing

The Water Board, in a public heard and considered all comments pertaining to the amendment. The Amendment was approved January 9, 2019.

IT IS HEREBY ORDERED that Board Order No. R6V-2015-0034 must incorporate the following changes of this amending Order No. R6V-2015-0034-A01. With reference to Order No. R6V-2015-0034-A01, deletions are shown in strikethrough font, additions are in red and underlined.

1. Under Attachment J – Priority Pollutant Metals Monitoring Requirements, II. Monitoring Requirements: The following changes are made to Table J-1. The far-right column (Suggested Test Method) is being removed completely and replaced with a footnote indicating the appropriate testing methods.

Table J-1. List of Required Priority Pollutant Metals[1, 3]

Constituent	Controlling Water Quality Criterion for Surface Waters		Criterion Quantitation Limit[2] [µg/L]	~~Suggested Test Method~~
	Basis	Criterion Concentration [µg/L]		
Arsenic	~~Ambient Water Quality~~ Primary MCL	~~0.018~~ 10	~~0.01~~ 10	~~EPA 1632~~
Barium	~~Basin Plan Objective~~ Primary MCL	~~100~~ 1,0000	~~2~~ 100	~~EPA 6020/200.8~~
Beryllium	Primary MCL	4	2	~~EPA 6020/200.8~~
Cadmium	~~Public Health Goal~~ California Toxics Rule	~~2.9~~ 2.7	0.5	~~EPA 1638/200.8~~
Chromium (total)	Primary MCL	50	2	~~EPA 6020/200.8~~
Chromium (VI)	~~Public Health Goal~~ Primary MCL	~~0.2~~ 10	~~0.5~~ 10	~~EPA 7199/1636~~
Copper	~~National Toxics Rule~~ California Toxics Rule	~~4.1~~ 10	0.5	~~EPA 6020/200.8~~
Cyanide	~~National Toxics Rule~~ California Toxics Rule	5.2	5	~~EPA 9012A~~
Iron	Secondary MCL	300	100	~~EPA 6020/200.8~~
Lead	California Toxics Rule	~~4.1~~ 3.6	~~0.5~~ 2	~~EPA 1638~~
Mercury	~~TMDL Development~~ California Toxics Rule	0.050	0.0002	~~EPA 9012A~~
Manganese	Secondary MCL/ ~~Basin Plan Objective~~	50	20	~~EPA 6020/200.8~~
Nickel	California Toxics Rule	~~24~~ 57	~~5~~ 50	~~EPA 6020/200.8~~
Selenium	California Toxics Rule	5	5	~~EPA 6020/200.8~~
Silver	California Toxics Rule	~~0.71~~ 4.8	~~1~~ 2	~~EPA 6020/200.8~~
Thallium	~~National Toxics Rule~~ California Toxics Rule	1.7	1	~~EPA 6020/200.8~~
Zinc	~~Ambient Water Quality~~ California Toxics Rule	~~0.063~~ 130	~~10~~ 130	~~EV-024/025~~

[1] Monitoring shall be conducted according to test procedures approved under 40 CFR part 136.
[2] The reporting levels required in this column for priority pollutant metal constituents are established via §2.4.2 and Appendix 4 of the SIP.
[3] The Discharger must sample for Hardness of the Receiving Water during priority pollutant metal sampling and include in the priority pollutant metal sampling report represented as [mg/L as $CaCO_3$].

This Amendment does not alter any other portions of the Monitoring and Reporting Program.

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region on January 9, 10, 2019.

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER